

February 26, 2014

STATEMENT OF PROCEEDINGS

The Minutes of the

***BOARD OF SUPERVISORS
REGULAR MEETING
PLANNING AND LAND USE MATTERS***

COUNTY OF SAN DIEGO

STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, FEBRUARY 26, 2014, 09:00 A.M.
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY, ROOM 310, SAN DIEGO, CALIFORNIA

REGULAR SESSION – Regular Meeting was called to order at 9:00 a.m.

Present: Supervisors Dianne Jacob, Chairwoman; Bill Horn, Vice Chairman; Greg Cox; Dave Roberts; Ron Roberts; also David C. Hall, Assistant Clerk of the Board.

Approval of Statement of Proceedings/Minutes for the meetings of January 29, 2014 and February 5, 2014.

ACTION:

ON MOTION of Supervisor R. Roberts, seconded by Supervisor Cox, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meetings of January 29, 2014 and February 5, 2014.

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

Public Communication: [No Speakers]

NOTICE: THE BOARD OF SUPERVISORS MAY TAKE ANY ACTION WITH RESPECT TO THE ITEMS INCLUDED ON THIS AGENDA. RECOMMENDATIONS MADE BY COUNTY STAFF DO NOT LIMIT ACTIONS THAT THE BOARD OF SUPERVISORS MAY TAKE. MEMBERS OF THE PUBLIC SHOULD NOT RELY UPON THE RECOMMENDATIONS IN THE BOARD LETTER AS DETERMINATIVE OF THE ACTION THE BOARD OF SUPERVISORS MAY TAKE ON A PARTICULAR MATTER.

Board of Supervisors' Agenda Items

Agenda # Subject

1. NOTICED PUBLIC HEARING:
 SALE OF SURPLUS REAL PROPERTY - 20710 ELFIN FOREST ROAD, SAN MARCOS; ASSESSOR'S PARCEL NUMBER 223-082-21 (1/29/2014 - SURPLUS DECLARATION/RESOLUTION OF INTENT TO SELL; 2/26/2014 - BID OPENING) (COUNTY PARCEL NO. 2013-0060-A)

2. NOTICED PUBLIC HEARING:
 HIDDEN VALLEY ESTATES OPEN SPACE EASEMENT VACATION; JAMUL-DULZURA SUBREGIONAL PLANNING AREA (2/5/2014 – SET HEARING; 2/26/2014 – HOLD HEARING)

3. SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: ADOPT RESOLUTIONS AND ORDINANCE FOR FORMATION OF COMMUNITY FACILITIES DISTRICT NO. 2013-01 (HORSE CREEK RIDGE MAINTENANCE) AND AUTHORIZING SPECIAL TAX (1/29/2014-ADOPT RESOLUTIONS AND FIRST READING; 2/26/2014- ADOPT RESOLUTION AND SECOND READING)
4. ADOPT RESOLUTION AMENDING THE COUNTY'S 2012 TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEARS 2012-13 THROUGH 2016-17 AND APPROVING THE 2014 TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEARS 2014-15 THROUGH 2018-19
5. ADOPT AN ORDINANCE TO AMEND THE SCHEDULE OF RATES AND CHARGES AND USE CONTROL POLICY FOR COUNTY OF SAN DIEGO AIRPORTS (2/26/2014 – FIRST READING; 3/12/2014 - SECOND READING)
6. ESTABLISH APPROPRIATIONS, ADVERTISE AND AWARD A CONTRACT FOR CONSTRUCTION OF RAINBOW CREST ROAD AND RAINBOW HEIGHTS ROAD SLOPE AND DRAINAGE IMPROVEMENTS
[FUNDING SOURCE(S): AVAILABLE ROAD FUND FUND BALANCE]
(4 VOTES)
7. ESTABLISH APPROPRIATIONS AND ADVERTISE AND AWARD CONTRACT FOR CONSTRUCTION OF SAN VICENTE ROAD IMPROVEMENT PROJECT
[FUNDING SOURCE(S): TRANSNET, SAN DIEGO GAS & ELECTRIC 20A PROGRAM, SAN DIEGO GAS & ELECTRIC FIRE THREAT ZONE PROGRAM, AT&T, COX COMMUNICATIONS, AND RAMONA MUNICIPAL WATER DISTRICT]
(4 VOTES)
8. GILLESPIE FIELD – NEW AVIATION LEASE WITH THE BORDEN TRUST DATED JUNE 11, 2007
[FUNDING SOURCE(S): ONE-TIME EQUITY PAYMENTS FROM THE LESSEE UNDER THE TERMS OF THE NEW LEASE]
(4 VOTES)
9. GILLESPIE FIELD – AMENDMENTS TO THREE CUYAMACA WEST UNIT 2 (LOTS 22, 23 AND 24) INDUSTRIAL LEASES TO IMPLEMENT RENT ADJUSTMENTS
[FUNDING SOURCE(S): RENTAL PAYMENTS FROM THE LESSEES UNDER THE TERMS OF THE AMENDED AGREEMENTS]
(4 VOTES)
10. TRAFFIC ADVISORY COMMITTEE RECOMMENDATIONS

11. SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: AN ORDINANCE ADDING SECTION 85.419 TO THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO THE TRAINING OF FOREIGN FLIGHT STUDENTS AT COUNTY AIRPORTS (2/5/2014 – FIRST READING; 2/26/2014 - SECOND READING)
[FUNDING SOURCE(S): AIRPORT ENTERPRISE FUND]
12. PRESENTATIONS/AWARDS

1.

SUBJECT: NOTICED PUBLIC HEARING:

SALE OF SURPLUS REAL PROPERTY - 20710 ELFIN FOREST ROAD, SAN MARCOS; ASSESSOR'S PARCEL NUMBER 223-082-21 (1/29/2014 - SURPLUS DECLARATION/ RESOLUTION OF INTENT TO SELL; 2/26/2014 - BID OPENING) (COUNTY PARCEL NO. 2013-0060-A) (DISTRICT: 5)

OVERVIEW:

On January 29, 2014 (4), the Board of Supervisors set a bid opening date to be February 26, 2014.

The County of San Diego owns 1.82 acres of land improved with a single family residential home located at 20710 Elfin Forest Road in San Marcos. The property is identified as County Parcel Number 2013-0060-A and was acquired in 1992 due to its close proximity to the San Marcos Landfill, which closed in 1997. The property was one of three parcels purchased to fulfill the mitigation requirements of the Environmental Impact Report (EIR) for the San Marcos Landfill expansion. The County purchased the properties for mitigation as a part of that project.

The residential home has been leased to private individuals for the past 22 years. The landfill was closed in 1997, and all remediation activities for the landfill have now taken place. Therefore the property is now considered to be surplus to the County's needs.

Today's request requires two steps. On January 29, 2014, the Board will consider 1) declaring the property surplus to County needs, 2) directing the Clerk of the Board to advertise the County's intent to sell the property, and 3) adopting a Resolution declaring its intention to sell the property. If the Board of Supervisors takes the actions recommended on January 29, 2014, then on February 26, 2014, after making necessary environmental findings, the Board is requested to conduct a bid opening and approve the sale of the property to the highest bidder. The minimum bid for County Parcel 2013-0060-A is \$711,000.

FISCAL IMPACT:

Funds for this request are not included in the Fiscal Year 2013-14 Operational Plan for the Department of Public Works Solid Waste Environmental Trust Fund. If approved, sale of the property will result in total revenue of at least \$711,000 (the minimum bid) for the sale of County Parcel 2013-0060-A. The revenue will be deposited to the Department of Public Works Solid Waste Environmental Trust Fund. Transaction costs for the Department of General Services – Real Estate Services Division are estimated to be \$25,000. The transaction costs will be reimbursed by the above respective fund. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT:

If this sale is completed, the sale of the Elfin Forest Road property may generate minor business activity from the renovation of the existing residence and long-term use as a single family residence.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find, in accordance with Section 15312 of the CEQA Guidelines, that the sale of County Parcel 2013-0060-A is categorically exempt from the provisions of CEQA Guidelines as it is a sale of surplus government property.
2. Conduct the bid opening and approve the sale of County Parcel 2013-0060-A to the highest bidder.
3. Authorize the Director, Department of General Services, to perform all necessary actions to complete the sale of County Parcel 2013-0060-A, including the execution of the Purchase and Sale Agreement, escrow instructions and a Grant Deed.
4. Authorize the Auditor and Controller to deposit all proceeds resulting from the sale of County Parcel 2013-0060-A, into the Department of Public Works Solid Waste Environmental Trust Fund.

ACTION:

ON MOTION of Supervisor D. Roberts, seconded by Supervisor Horn, the Board of Supervisors conducted the bid opening for the sale of County Parcel 2013-0060-A, closed the Hearing and took action as recommended, accepting the bid from Sterling Holdings in the amount of \$901,000.

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

2.

SUBJECT: NOTICED PUBLIC HEARING:

**HIDDEN VALLEY ESTATES OPEN SPACE EASEMENT
VACATION; JAMUL-DULZURA SUBREGIONAL
PLANNING AREA (2/5/2014 – SET HEARING; 2/26/2014 –
HOLD HEARING) (DISTRICT: 2)**

OVERVIEW:

On February 5, 2014 (3), the Board of Supervisors set a Hearing for February 26, 2014.

Application date: November 15, 2013

This is a request for the Board of Supervisors to consider the vacation of two biological open space easements pursuant to Board Policy I-103 Open Space Easement Vacations and the Streets and Highways Code. The two biological open space easements requested to be vacated by the applicant were recorded in association with the Hidden Valley Estates Tentative Map (TM 4761) which was approved in 1992. A Final Map associated with this project was never recorded, and the Tentative Map has since expired. Therefore, the easements are no longer required to mitigate impacts related to the Tentative Map under the California Environmental Quality Act (CEQA). In 2012, the U.S. Fish and Wildlife Service purchased the land for inclusion into the San Diego National Wildlife Refuge. As

such, the proposed use of the land is consistent with conservation purposes. However, due to federal land acquisition regulations, the U.S. Fish and Wildlife Service must remove encumbrances, such as open space easements, that could limit the federal government's future use of the acquired land. The case number for this project is: PDS2013-VAC-13-004.

The easements to be vacated total approximately 960 acres in size and are located south of SR-94 and east of Millar Ranch Road, within the Jamul-Dulzura Subregional Plan area (Thomas Bros. Map Page 1292, B/2).

Today's request requires two steps: On February 5, 2014, it is requested that the Board set a date for a public hearing on February 26, 2014 and provide public notice of that hearing. If the Board takes the actions recommended for February 5, 2014, then on February 26, 2014, it is requested that the Board consider and adopt a resolution to vacate the referenced easements and record the resolution of vacation.

FISCAL IMPACT:

N/A

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES

1. Adopt the environmental findings included in Attachment D.
2. Adopt the resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING PUBLIC SERVICE EASEMENT PDS2013-VAC-13-004. (Attachment C)
3. Direct the Clerk of the Board to record this resolution pursuant to the Streets and Highways Code Section 8325.

ACTION:

ON MOTION of Supervisor Cox, seconded by Supervisor R. Roberts, the Board continued the item to March 12, 2014 at 9:00 a.m., on Consent.

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

3. **SUBJECT: SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: ADOPT RESOLUTIONS AND ORDINANCE FOR FORMATION OF COMMUNITY FACILITIES DISTRICT NO. 2013-01 (HORSE CREEK RIDGE MAINTENANCE) AND AUTHORIZING SPECIAL TAX (1/29/2014-ADOPT RESOLUTIONS AND FIRST READING; 2/26/2014- ADOPT RESOLUTION AND SECOND READING) (DISTRICT: 5)**

OVERVIEW:

On January 29, 2014 (1), the Board of Supervisors introduced the Ordinance for further consideration and adoption on February 26, 2014.

D.R. Horton Los Angeles Holding Company, Inc. (Developer) is in the process of developing Horse Creek Ridge, a 396-acre community located in the northeast quadrant of the SR-76 and I-15 interchange within the unincorporated area of Fallbrook (57th Edition Thomas Guide Page 1048, J1 & 1028, H, J 5-7). On May 11, 2011(1), the Board of Supervisors approved a Tentative Map for Campus Park (VTM 5338 RPL-7), now known as Horse Creek Ridge. This is a master planned community consisting of 521 single family residential homes and 230 condominium units. In addition, the project is proposed to include a regional sports park complex, equestrian staging area, regional public trails, open space areas and two large detention basins.

On December 4, 2013 (5), the Board of Supervisors adopted a Resolution of Intention to Form Community Facilities District No. 2013-01, to fund needed community services. The purpose of the special tax is to pay directly for ongoing operation and maintenance of the regional sports park complex, staging area and park trails, onsite and offsite open space, and detention basins within the Community Facilities District. The special tax will also fund fire protection services provided by the North County Fire Protection District to the Horse Creek Ridge community. The special tax will include an annual index to offset increases in operations or maintenance and services costs and will fund on-going administration costs of the Community Facilities District.

This is a request adopt Resolutions to: 1) approve the Clerk of the Board to execute two Joint Community Facilities Agreements, the first between the County and the North County Fire Protection District and the other between the County and the San Diego County Flood Control District; 2) establish Community Facilities District No. 2013-01, Horse Creek Ridge Maintenance; 3) call a special election; 4) declare results of the special election and direct the recording of a notice of special tax lien; and adopt an Ordinance authorizing the levy of a special tax.

FISCAL IMPACT:

All County and consultant costs incurred for establishing this Community Facilities District, cost of maintenance of facilities and services, and ongoing administration of the Community Facilities District will be paid through special voter approved taxes. The Developer has delivered an initial deposit for all County and consultant costs to be incurred in the evaluation and formation of this

Community Facilities District. Once the development is completed and infrastructure is in place, the special taxes will cover operation and maintenance for fire services provided by the North County Fire Protection District, local park facilities, trails and open space maintained by Department of Parks and Recreation, and water quality devices maintained by the San Diego County Flood Control District. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO DECLARING RESULTS OF SPECIAL MAILED-BALLOT ELECTION WITHIN COUNTY OF SAN DIEGO COMMUNITY FACILITIES DISTRICT NO. 2013-01 (HORSE CREEK RIDGE MAINTENANCE).
2. Adopt an Ordinance entitled: AN ORDINANCE OF THE COUNTY OF SAN DIEGO LEVYING A SPECIAL TAX FOR FISCAL YEAR 2014-2015 AND FOLLOWING FISCAL YEARS WITHIN THE COUNTY OF SAN DIEGO COMMUNITY FACILITIES DISTRICT NO. 2013-01 (HORSE CREEK RIDGE MAINTENANCE).

ACTION:

ON MOTION of Supervisor Cox, seconded by Supervisor R. Roberts, the Board took action as recommended, on Consent, adopting the following:

Resolution No. 14-021, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO DECLARING RESULTS OF SPECIAL MAILED-BALLOT ELECTION WITHIN COUNTY OF SAN DIEGO COMMUNITY FACILITIES DISTRICT NO. 2013-01 (HORSE CREEK RIDGE MAINTENANCE); and

Ordinance No. 10328 (N.S.), entitled: AN ORDINANCE OF THE COUNTY OF SAN DIEGO LEVYING A SPECIAL TAX FOR FISCAL YEAR 2014-2015 AND FOLLOWING FISCAL YEARS WITHIN THE COUNTY OF SAN DIEGO COMMUNITY FACILITIES DISTRICT NO. 2013-01 (HORSE CREEK RIDGE MAINTENANCE).

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

4. **SUBJECT: ADOPT RESOLUTION AMENDING THE COUNTY'S 2012 TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEARS 2012-13 THROUGH 2016-17 AND APPROVING THE 2014 TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEARS 2014-15 THROUGH 2018-19 (DISTRICTS: 1, 2, 3 & 5)**

OVERVIEW:

The County's TransNet Local Street Improvement Program of Projects involves planned expenditure of anticipated revenues from TransNet, the voter-approved half-cent transportation sales tax. The TransNet Local Street Improvement Program (Program) was approved by San Diego voters in 2004 and became effective in 2008. It provides over \$500 million for projects in the unincorporated County of San Diego over the 40 years of the Program, which will end in 2048. The County has a strategy and plan for using this funding source for various roadway infrastructure improvements. This funding source is essential for the County's infrastructure, as there are limited funding sources available for local road improvements.

The San Diego Association of Governments (SANDAG) approves the County's TransNet Local Street Improvement Program of Projects and administers this major transportation funding program as an element of its Regional Transportation Improvement Program (RTIP). The County updates its RTIP bi-annually, and SANDAG subsequently amends it, as needed, on a quarterly basis.

The Board of Supervisors last amended the County's five-year 2012 TransNet Local Street Improvement Program of Projects for Fiscal Years 2012-13 through 2016-17, which allocated \$77.8 million in TransNet funding, on January 30, 2013 (6). SANDAG's RTIP program schedule requires agencies to submit amended 2012 Programs of Projects by March 7, 2014 and to submit a new 2014 TransNet Local Street Improvement Program of Projects for Fiscal Years 2014-15 through 2018-19 by March 14, 2014.

This is a request to adopt a resolution to amend the County's 2012 TransNet Local Street Improvement Program of Projects for Fiscal Years 2012-13 through 2016-17 and approve the County's 2014 TransNet Local Street Improvement Program of Projects for Fiscal Years 2014-15 through 2018-19. Upon Board approval, the resolution will be submitted to SANDAG for approval as part of the 2012 RTIP amendment, scheduled for April 2014 and bi-annual 2014 RTIP adoption, scheduled for September 2014.

FISCAL IMPACT:

Today's requested actions have no direct fiscal impact. Appropriations for individual projects will be brought before the Board of Supervisors in future year Operational Plan proposals. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the recommended actions are exempt from review under the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(3) and 15276 of the state CEQA Guidelines.
2. Adopt a Resolution entitled: RESOLUTION OF THE COUNTY OF SAN DIEGO AMENDING THE 2012 TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEARS 2012-13 THROUGH 2016-17 AND APPROVING THE 2014 TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEARS 2014-15 THROUGH 2018-19.
3. Direct that projects in the 2012 TransNet Local Street Improvement Program of Projects and in the 2014 TransNet Local Street Improvement Program of Projects, along with road and bridge projects receiving federal and state funds, be integrated into the County element of the Regional Transportation Improvement Program for Fiscal Years 2012-13 through 2016-17 and Fiscal Years 2014-15 through 2018-19 respectively.
4. Authorize the Director, Department of Public Works, to submit the County's TransNet Local Street Improvement Program of Projects Resolutions to SANDAG and SANDAG's Independent Taxpayer Oversight Committee.

ACTION:

ON MOTION of Supervisor Cox, seconded by Supervisor R. Roberts, the Board took action as recommended, on Consent, adopting Resolution No. 14-022, entitled: RESOLUTION OF THE COUNTY OF SAN DIEGO AMENDING THE 2012 TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEARS 2012-13 THROUGH 2016-17 AND APPROVING THE 2014 TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEARS 2014-15 THROUGH 2018-19.

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

5. **SUBJECT: ADOPT AN ORDINANCE TO AMEND THE SCHEDULE OF RATES AND CHARGES AND USE CONTROL POLICY FOR COUNTY OF SAN DIEGO AIRPORTS (2/26/2014 – FIRST READING; 3/12/2014 - SECOND READING) (DISTRICTS: 2 & 5)**

OVERVIEW:

The County of San Diego operates and maintains eight airports in the region. The Schedule of Rates and Charges and Use Control Policy for County of San Diego Airports (Policy) was first established by the San Diego County Board of

Supervisors on May 27, 1975 (56). The Policy includes provisions for the use of County of San Diego airports and establishes rates and charges applicable to activities conducted at airport facilities. The Policy has been amended over the years to add components to address changes such as vehicle parking and customs service at McClellan-Palomar Airport when the parking lots and a terminal building were completed a few years ago, but the Policy has not been subject to a comprehensive review since it was first adopted.

This is a request to amend the Schedule of Rates and Charges and Use Control Policy for County of San Diego Airports. The proposed changes would clarify the document but not change any existing fees to airport users. Changes are aimed at better explaining and defining County practices throughout the document. The Policy would also delegate authority to the Director of Airports to award short term, low value leases and licenses to use airport property.

This action requires two steps. On February 26, 2014, the Board is requested to approve introduction of an Ordinance to amend the Schedule of Rates and Charges and Use Control Policy for County of San Diego Airports. If the Board takes action on February 26, 2014, then on March 12, 2014, the Board would be requested to consider and adopt the proposed Ordinance amending the Schedule of Rates and Charges and Use Control Policy for County of San Diego Airports.

FISCAL IMPACT:

There is no fiscal impact associated with amending the Schedule of Rates and Charges and Use Control Policy for County of San Diego Airports. The proposed revisions to the Policy do not establish any new or increased fees to airport users. Changes are primarily aimed at simplifying and better explaining County practices throughout the document by using defined terms and other similar changes designed to help create consistency in language. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

February 26, 2014:

Approve the introduction of the Ordinance, (first reading), read title and waive further reading of an Ordinance entitled:

AN ORDINANCE TO AMEND THE SCHEDULE OF RATES
AND CHARGES AND USE CONTROL POLICY FOR
COUNTY OF SAN DIEGO AIRPORTS.

If on February 26, 2014, the Board takes action as recommended then, on March 12, 2014:

1. Find that the proposed action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(3) and 15273 of the CEQA Guidelines and adopt the findings made pursuant to CEQA Guidelines Sections 15273.
2. Consider and adopt the Ordinance amending the Schedule of Rates and Charges and Use Control Policy for County of San Diego Airports (second reading).

ACTION:

Noting for the record that an Errata Sheet has been submitted which amends language in Attachment B, to clarify the Cost of Living adjustment Formula for Customs User Fees and Fuel charges fees at Borrego Springs; ON MOTION of Supervisor Cox, seconded by Supervisor R. Roberts, the Board took action as recommended, on Consent, introducing the Ordinance for further Board consideration and adoption on March 12, 2014.

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

6. **SUBJECT: ESTABLISH APPROPRIATIONS, ADVERTISE AND AWARD A CONTRACT FOR CONSTRUCTION OF RAINBOW CREST ROAD AND RAINBOW HEIGHTS ROAD SLOPE AND DRAINAGE IMPROVEMENTS (DISTRICT: 5)**

OVERVIEW:

The Rainbow Crest Road and Rainbow Heights Road slope and drainage improvements project is located in the unincorporated community of Rainbow. The improvements on Rainbow Crest Road are located along the west side of the road just north of its intersection with Rock Ridge Drive (57th Edition Thomas Guide, Page 999, B7). The improvements on Rainbow Heights Road are located along the west side of the road between branches of Select Way (57th Edition Thomas Guide Page 999, A6). The improvements will benefit the community by constructing two retaining walls to repair existing slopes and prevent potential future failures as well as reduce the potential of future flooding by improving drainage.

This is a request to approve advertisement and subsequent contract award to the lowest responsible bidder to construct the Rainbow Crest Road and Rainbow Heights Road slope and drainage improvements project. Upon Board approval, the Department of Purchasing and Contracting will advertise and subsequently award a contract for construction, which is scheduled to begin in spring 2014 and be completed by fall 2014. Construction cost is estimated at \$1,390,000, including contingency.

FISCAL IMPACT:

Funds for this request are not included in the Fiscal Year 2013-14 Operational Plan in the Department of Public Works Detailed Work Program. If approved, construction project costs will be \$1,390,000, including contingency. The funding source is available Road Fund fund balance (\$1,390,000). There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

County construction contracts are competitively bid and help stimulate the local economy.

RECOMMENDATION:**CHIEF ADMINISTRATIVE OFFICER**

1. Find that the proposed project is exempt from California Environmental Quality Act (CEQA) as specified under Section 15301 of the state CEQA Guidelines.
2. Establish appropriations of \$1,390,000 in the Department of Public Works Detailed Work Program for the Rainbow Crest Road and Rainbow Heights Road slope projects based on Road Fund fund balance available. **(4 VOTES)**
3. Authorize the Director, Department of Purchasing and Contracting, to take any action necessary to advertise and award a contract and to take other action authorized by Section 401 et seq., of the Administrative Code with respect to contracting for subject public works project.
4. Designate the Director, Department of Public Works, as County Officer responsible for administering the construction contract, in accordance with Board Policy F-41, Public Works Construction Projects.

ACTION:

ON MOTION of Supervisor Cox, seconded by Supervisor R. Roberts, the Board took action as recommended, on Consent.

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

7. **SUBJECT: ESTABLISH APPROPRIATIONS AND ADVERTISE AND AWARD CONTRACT FOR CONSTRUCTION OF SAN VICENTE ROAD IMPROVEMENT PROJECT (DISTRICT: 2)**

OVERVIEW:

The San Vicente Road Improvement Project is located in the unincorporated community of Ramona in East County (57th Edition Thomas Guide page 1172-G3-4, H4-5, J5, and 1173-A5). The proposed project will realign an approximately 2.25-mile segment of San Vicente Road from Warnock Drive to just east of Wildcat Canyon Road, including installation of two bicycle lanes, a stabilized disintegrated granite pathway on the west and south side of the road, a

graded parkway on the east and north side of the road, and drainage improvements to accommodate the 100-year flood. The improvements will benefit the community by enhancing safety for motorists, bicyclists, pedestrians, and equestrians.

This is a request to establish appropriations and approve advertisement and subsequent construction contract award to the lowest responsible bidder for the San Vicente Road Improvement Project. Upon Board approval, the Department of Purchasing and Contracting will advertise and subsequently award a contract for construction. Construction is scheduled to begin in fall 2014 and be completed by spring 2016. Construction cost is estimated at \$32,790,014, including contingency.

FISCAL IMPACT:

Funds for this request are not included in the Fiscal Year 2013-14 Operational Plan in the Department of Public Works Detailed Work Program. If approved, current year construction costs will be \$32,790,014, including contingency. The funding sources are TransNet (\$24,000,000), San Diego Gas & Electric 20A Program (\$2,679,019), San Diego Gas & Electric Fire Threat Zone Program (\$1,456,945), AT&T (\$283,623), Cox Communications (\$183,427), and Ramona Municipal Water District (\$4,187,000). There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

County public works contracts are competitively bid and help stimulate the local economy.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the Final Environmental Impact Report (FEIR) for the San Vicente Road Improvement Project, dated January 26, 2011, SCH No. 2009051044 on file with the Department of Public Works, was prepared in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, and that the decision making body has reviewed and considered the information contained therein and the Addendum thereto dated February 13, 2014 prior to approving the project; and

Find that there are no changes in the project or in the circumstances under which it is to be undertaken that involve significant new environmental impacts which were not considered in the certified FEIR, that there is no substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since the FEIR was prepared as explained in the Environmental Review Update Checklist dated February 13, 2014.

2. Establish appropriations of \$32,790,014 in the Department of Public Works Detailed Work Program for construction of San Vicente Road Improvement Project based on revenue from TransNet (\$24,000,000), San Diego Gas & Electric 20A Program (\$2,679,019), San Diego Gas & Electric Fire Threat Zone Program (\$1,456,945), AT&T (\$283,623), Cox Communications (\$183,427) and Ramona Municipal Water District (\$4,187,000). **(4 VOTES)**

3. Approve and authorize the Clerk of the Board to execute, upon receipt, Utility Underground Agreements between the County of San Diego and each of the following utility companies: San Diego Gas & Electric 20A Program; San Diego Gas & Electric/Sempra Energy Fire Threat Zone Program; AT&T Company; and Cox Communications.
4. Authorize the Director, Department of Purchasing and Contracting, to take any action necessary to advertise and award contracts and to take other action authorized by Section 401 et seq., of the Administrative Code with respect to contracting for subject public works project.
5. Designate the Director, Department of Public Works, as the County Officer responsible for administering the construction contract in accordance with Board Policy F-41, Public Works Construction Projects.

ACTION:

ON MOTION of Supervisor Cox, seconded by Supervisor R. Roberts, the Board took action as recommended, on Consent.

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

8. SUBJECT: GILLESPIE FIELD – NEW AVIATION LEASE WITH THE BORDEN TRUST DATED JUNE 11, 2007 (DISTRICT: 2)

OVERVIEW:

Gillespie Field is a general aviation airport owned and operated by the County of San Diego and located within the municipal limits of the City of El Cajon and City of Santee (57th Edition Thomas Guide Page 1251, D-1).

On November 13, 2002 (19), the Board approved a 30-year aviation lease with RPG Investments, Inc. for a 10.072-acre parcel (County Contract No. 75623R). Following Board approval on October 15, 2008 (8), this 10.072-acre parcel was subdivided into two separate leaseholds. County Contract No. 75623R was reduced to 8.044 acres, and a new lease was issued for the remaining 2.028 acres. RPG Investments, Inc. then assigned its 2.028-acre leasehold (County Contract No. 126082) to Michael C. Borden.

In January 2014, RPG Investments, Inc. assigned its 8.044-acre leasehold, (County Contract No. 75623R), to Michael C. Borden, Trustee of The Borden Trust Dated June 11, 2007. Michael C. Borden has requested a new 32-year lease issued to The Borden Trust Dated June 11, 2007, that would combine this newly acquired 8.044-acre leasehold with his existing 2.028-acre leasehold. This is a request to approve a new 32-year ground lease with The Borden Trust Dated June 11, 2007 for the combined 10.072 acres, which would replace both current leases. If the proposed action is approved, the rent for this lease would remain the same as the two leases being replaced. Current year revenue will increase by \$676,886 due to one-time equity payments.

FISCAL IMPACT:

Funds for this request are partially included in the Fiscal Year 2013-14 Operational Plan for the Airport Enterprise Fund. If approved, this request would result in total annual revenue of \$778,865 (\$101,979 in base rent and \$676,886 in equity payments) in Fiscal Year 2013-14, an increase of \$676,886 over the amount budgeted. The funding source for additional revenue is one-time equity payments from the lessee under the terms of the new lease. The base monthly rent is \$8,813, the same as the combined rent for both County Contract Nos. 75623R and 126082, and subject to the same rental rate adjustment schedule as in the current leases, which include negotiated annual rental rate increases occur every December 1st. There would be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:**CHIEF ADMINISTRATIVE OFFICER**

1. Find, in accordance with Section 15302 of the California Environmental Quality Act (CEQA) Guidelines, that the proposed lease is categorically exempt from CEQA review.
2. Approve and authorize the Clerk of the Board to execute, upon receipt, three copies of the new Aviation Lease with The Borden Trust Dated June 11, 2007.
(4 VOTES)

ACTION:

ON MOTION of Supervisor Cox, seconded by Supervisor R. Roberts, the Board took action as recommended, on Consent.

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

9. **SUBJECT: GILLESPIE FIELD – AMENDMENTS TO THREE CUYAMACA WEST UNIT 2 (LOTS 22, 23 AND 24) INDUSTRIAL LEASES TO IMPLEMENT RENT ADJUSTMENTS (DISTRICT: 2)**

OVERVIEW:

Gillespie Field is a general aviation airport owned and operated by the County of San Diego and located within the municipal limits of the City of El Cajon and City of Santee (57th Edition Thomas Guide Page 1251, D-1). In addition to aviation-related facilities and infrastructure, Gillespie Field includes three industrial parks: Gillespie Field Industrial Park, Cuyamaca West Unit 1 Industrial Park, and Cuyamaca West Unit 2 Industrial Park. The County leases land at these industrial parks to multiple businesses providing goods and services to the general public.

On May 20, 1997 (6), the Board approved a Development Agreement and Option to Lease with Sciacca Development Corporation and Matsix Investments, Inc. for Cuyamaca West Unit 2 Industrial Park, and authorized the Director, Department of

General Services to execute leases according to an agreed upon schedule. On May 1, 1999, the Director, Department of General Services executed leases for Lots 22, 23 and 24, as authorized by the development agreement. Currently, Lot 22 is leased by 760, LLC, while the other two leases, Lot 23 and Lot 24, are currently held by Pacific Gillespie Partners II, LLC. County leases typically provide for periodic rental rate renegotiations. These three leases are due for renegotiated rental adjustments on May 1, 2014.

This is a request to approve amendments to the industrial lease with 760, LLC and the two industrial leases with Pacific Gillespie Partners II, LLC. The lessees have agreed to a 20 percent increase to the current rental rate, the maximum allowed under the lease terms. If the proposed action is adopted, the rent for all three leases will increase by \$2,655 per month for a monthly revenue total of \$15,930 for the three leases starting on May 1, 2014.

FISCAL IMPACT:

Funds for this request are partially included in the Fiscal Year 2013-14 Operational Plan for the Airport Enterprise Fund. If approved, this request would result in total annual revenue of \$164,610 (\$45,942 for County Contract No. 117103, \$55,118 for County Contract No. 75197R and \$63,550 for County Contract No. 75198R) in Fiscal Year 2013-14, an increase of \$5,310 over the amount budgeted since the amendments take effect in May 2014. The funding source for additional revenue is rental payments from the lessees under the terms of the amended agreements. These leases will be subject to Consumer Price Index adjustments every five years and renegotiations every 15 years. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find, in accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, that the proposed lease amendments are categorically exempt from CEQA review as they consist of the leasing of existing facilities involving negligible or no expansion of existing use.
2. Approve and authorize the Clerk of the Board to execute, upon receipt, three copies of the First Amendment to Industrial Ground Lease Agreement with 760, LLC, County Contract No. 117103. **(4 VOTES)**
3. Approve and authorize the Clerk of the Board to execute, upon receipt, three copies of the First Amendment to Industrial Ground Lease Agreement with Pacific Gillespie Partners II, LLC, County Contract No. 75197R. **(4 VOTES)**
4. Approve and authorize the Clerk of the Board to execute, upon receipt, three copies of the First Amendment to Industrial Ground Lease Agreement with Pacific Gillespie Partners II, LLC, County Contract No. 75198R. **(4 VOTES)**

ACTION:

ON MOTION of Supervisor Cox, seconded by Supervisor R. Roberts, the Board took action as recommended, on Consent.

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

**10. SUBJECT: TRAFFIC ADVISORY COMMITTEE
RECOMMENDATIONS (DISTRICTS: 2 & 5)**

OVERVIEW:

The Traffic Advisory Committee meets every six weeks to review proposed additions, deletions or changes to regulatory traffic controls. Six items were on the Committee's December 13, 2013 meeting agenda. Item 2-A was continued prior to the meeting at the request of the Crest-Dehesa Community Planning Group. The Committee recommends your action on the remaining five items.

FISCAL IMPACT:

Funds for this proposal are included in the Department of Public Works Road Fund Fiscal Year 2013-14 Operational Plan. If approved, there will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

TRAFFIC ADVISORY COMMITTEE

District 2

2-B. Tavern Road from Arnold Way northerly to Victoria Park Terrace (57th Edition Thomas Guide Page 1234, A-6) Alpine -- Direct the existing 35 MPH speed limit be recertified for continued radar speed enforcement.

2-C. Valle Vista Road from Lakeside Avenue northerly to Vista Camino (57th Edition Thomas Guide Page 1231, J-2) Lakeside -- Direct the existing 40 MPH speed limit be recertified for continued radar speed enforcement.

District 5

5-A. Oleander Avenue between the Vista City Limit (near Juniper Lane) and San Marcos City Limit (at Poinsettia Avenue) (57th Edition Thomas Guide Page 1108, B-5) Vista/San Marcos -- Direct the existing 35 MPH speed limit be certified for radar speed enforcement.

5-B. Gum Tree Lane from Stage Coach Lane easterly to Hamilton Lane (57th Edition Thomas Guide Page 1027, J-1) Fallbrook -- Direct the existing 35 MPH speed limit be recertified for continued radar speed enforcement.

- 5-C. Via Cuatro Caminos from Del Dios Highway southerly to the End (57th Edition Thomas Guide Page 1168, G-1) Rancho Santa Fe -- Direct the existing 35 MPH speed limit be recertified for continued radar speed enforcement.

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15301 of the state CEQA Guidelines.
2. Adopt the Traffic Advisory Committee's recommendations.

ACTION:

ON MOTION of Supervisor Cox, seconded by Supervisor R. Roberts, the Board took action as recommended, on Consent.

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

11. **SUBJECT: SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: AN ORDINANCE ADDING SECTION 85.419 TO THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO THE TRAINING OF FOREIGN FLIGHT STUDENTS AT COUNTY AIRPORTS (2/5/2014 – FIRST READING; 2/26/2014 - SECOND READING) (DISTRICTS: 2 & 5)**

OVERVIEW:

On February 5, 2014 (2), the Board of Supervisors introduced the Ordinance for further consideration and adoption on February 26, 2014.

In July 2012, the United States Government Accountability Office reported concerns with some elements of the screening and vetting procedures for foreign flight students and the coordination between the federal agencies responsible for such screening and vetting.

On September 11, 2012 (8), the Board of Supervisors directed staff to draft an ordinance that would require flight schools and independent flight instructors based at a County airport to comply with all foreign flight student screening and vetting requirements, including the Alien Flight Student Program and the Student and Exchange Visitors Program. In response to this action, proposed is an ordinance that would require flight schools and independent flight instructors based at County airports who train foreign pilots to annually certify they are abiding by all applicable foreign flight student screening, vetting and/or monitoring requirements. The proposed ordinance would also assist in raising and maintaining awareness of rules and regulations pertaining to foreign flight student screening and vetting by fostering additional contact between County staff and airport users engaged in flight training. Such contacts could be used to assist federal agencies with outreach, fact finding and federal enforcement. Enforcement

provisions already contained in the County Code of Regulatory Ordinances would apply to a violation of the proposed ordinance, including warnings and citations at the administrative level, up to the denial of use of the airport, an action that would be brought before the Board of Supervisors.

Today's recommended actions require two steps, the first of which is the introduction of the ordinance relating to the training of foreign flight students at County Airports. If on February 5, 2014, the Board takes the recommended action, on February 26, 2014, it would consider adopting the ordinance.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2013-14 Operational Plan for the Airport Enterprise Fund. If approved, this request will result in estimated annual costs of \$5,000 in staff time. The funding source is the Airport Enterprise Fund. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15060 (c) (3) because the activity is not a project as defined by Section 15378 of the state CEQA Guidelines.
2. Adopt the Ordinance entitled: AN ORDINANCE ADDING SECTION 85.419 TO THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO THE TRAINING OF FOREIGN FLIGHT STUDENTS AT COUNTY AIRPORTS.

ACTION:

ON MOTION of Supervisor D. Roberts, seconded by Supervisor Cox, the Board took action as recommended, adopting Ordinance No. 10329 (N.S.), entitled: AN ORDINANCE ADDING SECTION 85.419 TO THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO THE TRAINING OF FOREIGN FLIGHT STUDENTS AT COUNTY AIRPORTS.

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

12. SUBJECT: PRESENTATIONS/AWARDS (DISTRICTS: ALL)

OVERVIEW:

Chairwoman Dianne Jacob presented a proclamation declaring February 26, 2014, Jack Phillips Day throughout the County of San Diego.


There being no further business, the Board adjourned at 10:33 a.m. in memory of Al Macy and Frank Special.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors
County of San Diego, State of California

Consent: Miller
Discussion: Panfil


NOTE: This Statement of Proceedings sets forth all actions taken by the County of San Diego Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors, on Wednesday, March 12, 2014.



DIANNE JACOB
Chairwoman

Attest:



THOMAS J. PASTUSZKA
Clerk of the Board

02/26/14